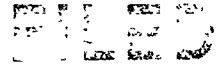


IN THE SUPREME COURT OF THE STATE OF NEVADA

TRENT DIRDEN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 39537



OCT 23 2002

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Roberts*
CHIEF DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of second-degree murder with the use of a deadly weapon. The district court sentenced appellant Trent Dirden to serve two consecutive 25-year prison terms.

Dirden contends that the district court erred in allowing the prosecutor to comment upon Dirden's uncharged bad acts without conducting a Petrocelli¹ hearing. Specifically, Dirden contends that, during rebuttal closing argument, the prosecutor referred to Dirden's prior uncharged bad acts of domestic violence when she described how Dirden punched a hole in the wall and pushed the victim, before he killed her with a single gun shot to the head. We conclude that Dirden's contention lacks merit.

Preliminarily, we note that Dirden failed to preserve this issue for appeal by lodging a timely objection at trial.² Further, we conclude that the district court did not commit plain error in allowing the


¹Petrocelli v. State, 101 Nev. 46, 52, 692 P.2d 505, 508 (1985).

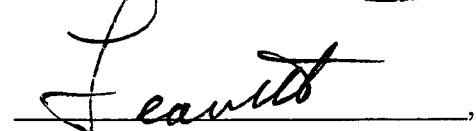
²See McCullough v. State, 99 Nev. 72, 74, 657 P.2d 1157, 1158 (1983).


prosecutor's commentary about Dirden's acts of domestic violence because it was a narrative account of the circumstances leading up to the commission of the murder,³ and the acts of domestic violence immediately preceding the murder were relevant to show Dirden's motive for the crime.⁴ Accordingly, Dirden has failed to show that the prosecutor's references were inadmissible.⁵

Having considered Dirden's contentions and concluded that they lack merit, we

ORDER the judgment of conviction AFFIRMED.

 J.

 J.
Leavitt

 J.
Becker

³See NRS 48.035(3); Brackeen v. State, 104 Nev. 547, 553, 763 P.2d 59, 63 (1988) ("the State is entitled to present a full and accurate account of the circumstances surrounding the commission of a crime, and such evidence is admissible even if it implicates the accused in the commission of other crimes for which he has not been charged").

⁴See NRS 48.045(2); see also Qualls v. State, 114 Nev. 900, 903-04, 961 P.2d 765, 767 (1998).

⁵Because the evidence about the circumstances leading up to the murder was admissible, we further conclude that the prosecutor did not engage in prosecutorial misconduct in describing those circumstances. See Greene v. State, 113 Nev. 157, 931 P.2d 54 (1997), modified prospectively on other grounds by Byford v. State, 116 Nev. 215, 994 P.2d 700 (2000).

cc: Hon. Jeffrey D. Sobel, District Judge
Christiansen Law Offices
Attorney General/Carson City
Clark County District Attorney
Clark County Clerk